

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAY WHITEHEAD,

Plaintiff,

v.

10-cv-316

UNITED PARCEL SERVICE, INC.,

Defendant.

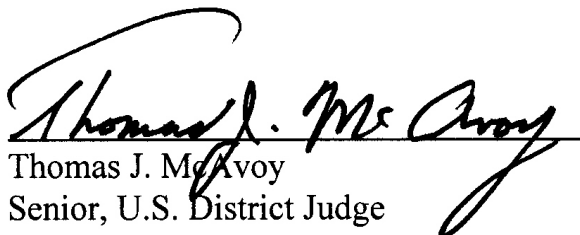
THOMAS J. McAVOY
Senior United States District Judge

ORDER

Upon consideration of Defendant's motion for summary judgment (Dkt. No. 32) and Plaintiff's appeal of Magistrate Judge Peebles' July 14, 2011 Order (Dkt. No. 39), the parties' submissions, the oral arguments before the court, and for the reasons stated in open Court on September 12, 2011, Defendant's motion for summary judgment is DENIED and Magistrate Judge Peebles' Order is AFFIRMED.

IT IS SO ORDERED.

Dated: September 30, 2011


Thomas J. McAvoy
Senior, U.S. District Judge